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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 61/118 of 14 December 2006, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;
>
> "2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;
>
> "3. *Notes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map;
>
> "4. *Calls upon* Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;
>
> "5. *Emphasizes* the need for the parties to speedily resolve all remaining issues in the Gaza Strip, including the removal of rubble;

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"6. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant resolutions of the Security Council;

"7. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

"8. *Stresses* the need for full implementation of the relevant Security Council resolutions regarding the Israeli settlements, including Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

"9. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and properties, particularly in the light of recent developments;

"10. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution."

2. On 14 May 2007, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. On 14 May 2007, the Secretary-General addressed a note verbale to all permanent missions, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that Governments inform him of any steps they had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution. The Permanent Mission of Cuba forwarded a note verbale dated 10 July 2007 providing, in pertinent part, the following information:

"The separation wall constructed by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem, constitutes one of the most serious violations of the Fourth Geneva Convention of 1949. It has left more than 20 thousand Palestinians without means of earning a living. It has destroyed thousands of hectares of land and water wells in the West Bank, constituting the de facto confiscation of around 60 per cent of the territory, including East Jerusalem."

5. The Permanent Mission of Argentina forwarded a note verbale dated 3 August 2007 containing, in pertinent part, the following information:

"Argentina continues to take the position that Israeli settlements in the occupied territories constitute a unilateral act which prejudices the results of negotiations concerning the definitive juridical status of the territories. In conformity with the road map, Argentina supports calls for the freezing of all settlement activities and other associated measures related to this matter."